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REMARKS

Entry of the foregoing and reconsideration of the application identified in the above caption, pursuant to and consistent with 37 C.F.R. §1.111 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claims 26 and 29 have been canceled without prejudice or disclaimer. Independent claim 24 has been amended to recite an odor-reducing additive consisting essentially of at least one essential plant oil. Support for this amendment can be found in the instant specification at least at page 5, line 30 to page 6, line 5. Claim 10 has been amended in a manner consistent with the amendment of claim 24.

In the Official Action, claim 29 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Without addressing the propriety of this rejection, it is noted that such rejection is moot in light of the cancellation of claim 29. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 10, 13-14, 24-26 and 29-31 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,140,220 (*Walter*) in view of U.S. Patent Application Publication No. 2001/0030018 (*Weinstein et al*) and U.S. Patent Application Publication No. 2004/0166087 (*Gembala*). Claims 23 and 27 stand rejected under 35 U.S.C. §103(a) as being obvious over *Walter*, *Weinstein et al* and *Gembala*, and further in view of U.S. Patent No. 2,496,566 (*Szwarc*). Claim 28 stands rejected under 35 U.S.C. §103(a) as being obvious over *Walter*, *Weinstein et al* and *Gembala*, and further in view of U.S. Patent No. 6,331,350 (*Taylor et al*). Withdrawal of these rejections is respectfully requested for at least the following reasons.

Walter discloses a thermal insulation having a body made of insulating material bonded to a sheet liner by an interfacial adhesive, such as asphalt, such that edge bands

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extend along the length of the sheet liner. FIG. 1 and col. 2, lines 31-43. The edge bands are not bonded to the insulating material and may be used to attach the thermal insulation to framing members. FIGS. 2-3 and col. 2, lines 50-59.

Walter does not disclose or suggest each feature recited in independent claim 24. For example, *Walter* does not disclose or suggest an asphalt coating layer which comprises an odor-reducing additive consisting essentially of at least one essential plant oil in an amount sufficient to substantially eliminate odor that would otherwise be emitted by the asphalt coating layer without adversely affecting the adherent qualities of the asphalt coating layer, as recited in claim 24. At page 5 of the Official Action, the Patent Office has acknowledged that *Walter* fails to disclose or suggest the use of an odor-reducing additive in an asphalt layer.

Weinstein et al fails to cure the above-described deficiencies of *Walter*. The Patent Office has relied on *Weinstein et al* for disclosing facing sheets or liners formed from Kraft paper or foil-scrim-Kraft paper laminates. Official Action at page 5. However, like *Walter*, *Weinstein et al* fails to disclose or suggest an asphalt coating layer which comprises an odor-reducing additive consisting essentially of at least one essential plant oil, as recited in claim 24.

Gembala also fails to cure the above-described deficiencies of *Walter*. In this regard, *Gembala* discloses the addition of a scented agent and a holding or complexing agent to asphalt or coal-tar. Page 1, paragraph [0005]. *Gembala* teaches that the scented agent emits a fragrance, and the holding or complexing agent chemically reacts or hydrogen bonds with odor components present in the asphalt or coal-tar. Page 1, paragraphs [0006] and [0007]. The Patent Office has taken the position that the scented agent of *Gembala* corresponds to the odor-reducing additive recited in claim 24. Official Action at pages 6-7.

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As discussed above, independent claim 24 has been amended to recite that the odor-reducing additive consists essentially of at least one essential plant oil. By comparison, *Gembala* requires the use of two distinct types of additives having different functions: (1) the scented agent and (2) the holding or complexing agent. The asphalt formulas disclosed in Tables I and II of *Gembala* employ both the scented agent and the holding or complexing agent. Quite clearly, *Gembala* teaches the combined use of the scented agent and the holding or complexing agent in the asphalt composition, and stresses the importance of the function of each component used in conjunction with one another. *Gembala* simply has no disclosure or suggestion of employing the scented agent apart from the holding or complexing agent.

At best, *Gembala* suggests that both the scented agent and the holding or complexing agent are required to effectively reduce and mask the odor of the asphalt composition. Page 1, paragraphs [0006] and [0007]. There is no recognition or suggestion that the scented agent of *Gembala* used apart from the holding or complexing agent, would have been effective to substantially eliminate odor that would otherwise be emitted by the asphalt. As such, it is apparent that *Gembala* fails to disclose or suggest employing an odor-reducing additive consisting essentially of at least one essential plant oil in an amount sufficient to substantially eliminate odor that would otherwise be emitted by the asphalt coating layer, as recited in claim 24.

Szwarc and *Taylor et al* fail to cure the above-described deficiencies of *Walter*, *Weinstein et al* and *Gembala*. In this regard, the Patent Office has relied on *Szwarc* for disclosing an asphalt containing a fungicide in an amount sufficient to render a sheet material fungi growth resistant. Official Action at pages 9-10. *Taylor et al* has been relied on for disclosing the use of a phenolic powder resin containing formaldehyde as a binder to bond glass fibers. Official Action at page 11. However, like the other applied art, *Szwarc* and

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Taylor et al do not disclose or suggest an asphalt coating layer which comprises an odor-reducing additive consisting essentially of at least one essential plant oil, as recited in claim 24.

For at least the above reasons, it is apparent that no *prima facie* case of obviousness exists. Accordingly, withdrawal of the above §103(a) rejections is respectfully requested.

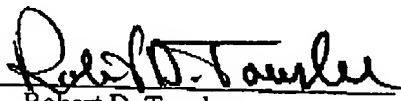
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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